UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

SARAH LINDSLEY	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO.
	§	
	§	3:17-CV-2942-B
	§	3.17-C V-29-42-B
v.	§	
	§	JURY TRIAL DEMANDED
TRT HOLDINGS, INC. and OMNI	§	JUNI TRIAL DEMIANDED
HOTELS MANAGEMENT	§	
CORPORATION,	§	
	§	
Defendants.	§	

DEFENDANT'S AMENDED MOTION TO COMPEL PLAINTIFF TO RESPOND TO DISCOVERY REQUESTS

Defendant Omni Hotels Management Corporation ("Omni" or "Defendant") hereby submits this its Amended Motion to Compel Plaintiff to Respond to Discovery Requests and, in support thereof, respectfully states as follows:

- Defendant filed a motion to compel on November 11, 2019. [Dkt No. 118].
 Defendant's motion is incorporated in this amended motion as if fully set forth herein.
- 2. Defendant submits this amended motion to address its insufficient certificate of conference. As stated in paragraph 3 of Defendant's motion, Defendant attempted to confer with Plaintiff in a good-faith effort to resolve the dispute without court action, as required by Federal Rule of Civil Procedure 37(a)(1). Specifically, Defendant attempted to confer via written correspondence, attached here as Exhibit "A". Defendant's "Certificate of Conference" in its original motion was not a certificate of conference but was instead an inadvertently included

second certificate of service. The motion's certificate of conference should have stated that counsel for Defendant had attempted to confer by letter, filed the motion in accordance with the Court's deadline, and believed Plaintiff was opposed to the motion at the time of its filing.

- 3. Since filing the motion, Defendant's counsel has now had a call with Plaintiff's counsel. Based on the call, counsel for Defendant believes the issues raised in Defendant's motion may ultimately be resolved. Given the Court's deadline to file motions to compel discovery, however, Defendant is not in a position to withdraw its motion until an agreement with Plaintiff can be solidified. Accordingly, Defendant files this amended motion to correct and update its certificate of conference. Defendant will immediately advise the Court if an agreement resolving the issues raised in the motion is reached.
- 4. Based on its original Motion to Compel Plaintiff to Respond to Discovery Requests and this amendment, Defendant requests a ruling on Plaintiff's objections to Defendant's Interrogatory Nos. 10, 17 and 18, and Request for Production Nos. 17, 18, 24, 25, 42, 43, 44, 45 and 51, and an order compelling Plaintiff to respond fully and adequately to each, and any other proper relief to which Defendant may be entitled.

Dated: November 12, 2019.

Respectfully submitted,

/s/ Michael D. Hudlow, Jr.

R. Clay Hoblit
State Bar No. 09743100
Fed No. 7591
hoblit@hdr-law.com
Michael D. Hudlow, Jr.
Federal I.D. No. 34793
State Bar No. 24007403
mhudlow@hdr-law.com
Mariana Garza

Federal I.D. No. 1138409 State Bar No. 24075470 mgarza@hdr-law.com

Hoblit Darling Ralls Hernandez & Hudlow LLP

802 N. Carancahua, Suite 2000 Corpus Christi, Texas 78401 361.888.9392 361.888.9187 Facsimile

ATTORNEYS FOR DEFENDANTS TRT HOLDINGS, INC. AND OMNI HOTELS MANAGEMENT CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of November, 2019, a true and correct copy of the foregoing document was served on all counsel of record via electronic mail pursuant to the Federal Rules of Civil Procedure as follows:

CM/ECF E-Service

Jay D. Ellwanger
jellwanger@equalrights.law
Ellwanger Law LLLP
400 South Zang Boulevard, Suite 1015
Dallas, Texas 75208
Facsimile: (737) 808-2262

James A. Vagnini
jvagnini@vkvlawyers.com
Monica Hincken
mhincken@vkvlawyers.com
Valli Kane & Vagnini, LLP
600 Old Country Road, Suite 519
Garden City, New York 11530
Facsimile: (516) 706-0248

COUNSEL FOR PLAINTIFF

/s/ Michael D. Hudlow, Jr.
Michael D. Hudlow, Jr.

CERTIFICATE OF CONFERENCE

I certify that on November 8, 2019, counsel for Defendant sent a letter in an attempt to confer about the issues raised in this motion. On November 11, 2019, not having heard back from Plaintiff's counsel, Defendant's counsel filed this motion in compliance with the Court's deadline to do so; the motion was filed with the belief that Plaintiff opposed it. On November 12, 2019, I conferred with counsel for Plaintiff, attorney Jay D. Ellwanger, via telephone conference regarding the subject of this motion in an effort to resolve these issues. As of the filing of this amendment, the parties have not confirmed an agreement.

/s/ Michael D. Hudlow, Jr.
Michael D. Hudlow, Jr.